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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER				
DOAN, PHUOC HUU				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/085,937

**Applicant(s)**

HYYPPE ET AL.

**Examiner**

PHUOC H. DOAN

**Art Unit**

2617

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1.5-24 and 26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1.5-24 and 26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/5508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims **1, 5-24, and 26** have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims **1, 5-24, and 26** are rejected under 35 U.S.C. 102(e) as being by anticipated **Gray (US Pub No: 2001/0037312)**.

**Regarding claim 1**, Gray discloses a method in a user equipment for enabling use thereof in electronic transactions (figures 1, transaction system 100) said user equipment having transaction means for conducting a transaction with a merchant entity (page 3, paragraph [20, 23, 29] “**user equipment with mobile device that participant of transaction with**

**merchant (individual people, entities, or business)”), the method comprising: receiving at the user equipment control information from a management entity independent of the merchant entity (paragraph [21, 23]); and updating the transaction means based on the received control information to make it compatible with said merchant entity after a change in the transaction mechanism thereof (paragraphs [12, 14, 35-36] “**securely update functionality as required for electronic transactions, such as purchase transactions and ability to modify parameters on line that is a feature of updating the transaction based on the information of transaction has changed or any updated on line between mobile device and merchant entity**”).**

**Regarding claim 5,** Gray further discloses a method as claimed in claim 1, wherein at least one parameter for use in electronic transactions by the user equipment is changed based on said information from the management entity (page 3, par. [0027-0028]).

**Regarding claim 6,** Gray further discloses a method as claimed in claim 1, wherein the transaction means are initiated at the user equipment based on said information from the management entity (page 1, par. [0010]).

**Regarding claims 7, 8,** Gray further discloses wherein the user equipment is provided with hardware for the transaction means during the manufacture thereof (page 1, par. [0006-0007]).

**Regarding claim 9,** Gray further discloses a method as claimed in claim 1, wherein the information from the management entity provides the user equipment with at least one new parameter for use in electronic transactions (page 2, par. [0014]).

**Regarding claim 10,** Gray further discloses a method as claimed in claim 1, wherein the user equipment generates a message requesting for a modification of the transaction means (page 2, par. [0014]).

**Regarding claims 11, 12,** Gray further discloses a method as claimed in claim 1 (page 3, par [23, 28]).

**Regarding claim 13,** Gray further discloses a method as claimed in claim 11, wherein the data entity is based on an electronic data card format (page 3, par. [0028]).

**Regarding claim 14**, Gray further discloses a method as claimed in claim 11, wherein said information is inserted in a data field of the data entity (page 3, par. [0029]).

**Regarding claim 15**, Gray further discloses a method as claimed in claim 11, wherein the data entity is based on a format that has been selected from a list comprising of: an electronic business card format; an electronic calendar format; an electronic commerce modeling language format (page 3, par [0028]).

**Regarding claim 16**, Gray further discloses a method as claimed in claim 1, wherein the communication media between the user equipment and the service management entity comprises an interface that is based on at least one of the following: short message service (SMS); wireless application protocol (WAP); internet protocol (IP); a short range radio link; a proximity card type interface; an infrared link (See page 1, par. [0020]).

**Regarding claim 17**, Gray further discloses a method as claimed in claim 1, wherein the user equipment communicates with a base station of a cellular

communication network (page 2, par [0020] “**user equipment such as cellular phone has to communicates with a base station**”).

**Regarding claim 18**, Gray further discloses a method as claimed in claim 1, wherein said information is transmitted to the user equipment in a message containing also other information (page 3, par. [0021]).

**Regarding claim 19**, Gray further discloses a method as claimed in claim 1, comprising a step of storing said information associated with provisioning of the transaction means at the user equipment (page 3, par. [0021-0023]).

**Regarding claim 20**, Gray further discloses a method as claimed in claim 1, wherein said information is transmitted to the user equipment in association with exchange of transaction information between the user equipment and a service provider (page 2, par. [0012]).

**Regarding claim 21, 26**, Gray discloses an arrangement for processing electronic transactions “Fig. 1, transaction system 100” comprising: (a user equipment “Fig. 1, item 110”); a transaction service entity of a credit card issuer\_“page 3, par. [0021] **the electronic transaction included card**

**issuing institutions such as credit card companies”** adapted to generate control information to be transported to the user equipment (page 3, par. [0022-0023]; and communication means for communication between the user equipment and the transaction service entity (page 3, par [20, 23, 29] **user equipment with mobile device that participant of transaction with merchant (individual people, entities, or business)”**), and transaction means in said user equipment (page 3, par. [0024]); wherein the arrangement is such that the configuration of said transaction means in said user equipment can be changed based on said control information transported to the user equipment via said communication means (paragraphs [12, 14, 35-36] **“securely update functionality as required for electronic transactions, such as purchase transactions and ability to modify parameters on line that is a feature of updating the transaction based on the information of transaction has changed or any updated on line between mobile device and merchant entity”**).

**Regarding claim 22**, Gray further discloses an arrangement as claimed in claim 21 adapted to modify existing transaction means based on said control information (page 4, par. [0032]).



**Regarding claim 23**, Gray further discloses an arrangement as claimed in claim 2 1 adapted to initiate transaction means based on said control information (page 1, par. [0010]).

**Regarding claim 24**, Gray further discloses an arrangement as claimed in claim 21, wherein the user equipment is provided with means for wireless communication with a co-operative device (page 3, par. [0030]).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUOC H. DOAN whose telephone number is 571-272-7920. The examiner can normally be reached on 9:30 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KINCAID LESTER can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PHUOC DOAN/

12/07/08

/Lester Kincaid/

Supervisory Patent Examiner, Art Unit 2617